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Attorneys for Defendant/Counterclaim-Plaintiff Mehret Mandefro

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

<b>PURELAND PICTURES, INC.,</b>  <b>Plaintiff/Counterclaim- Defendant,</b>  <b>v.</b>  <b>MEHRET MANDEFRO,</b>  <b>Defendant/Counterclaim- Plaintiff.</b>	<b>07 Civ. 10448 (LAP)</b>  <b>ECF Case Electronically Filed</b>  <b><u>MEMORANDUM IN SUPPORT OF DEFENDANT/ COUNTERCLAIM- PLAINTIFF'S OFFER OF JUDGMENT AND RESPONSE TO PLAINTIFF/ COUNTERCLAIM- DEFENDANT'S MOTION FOR SUMMARY JUDGMENT</u></b>
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Defendant/counterclaim-plaintiff Mehret Mandefro ("Dr. Mandefro") submits this memorandum in support of her offer of judgment and response to Plaintiff/Counterclaim-Defendant Pureland Pictures, Inc.'s ("Pureland") Motion for Summary Judgment and shows the Court as follows:

1. Dr. Mandefro has today served on Pureland an offer of judgment (the "Offer") pursuant to Federal Rule of Civil Procedure 68. A true and correct copy of the Offer, including a proposed Stipulated Order and Judgment on Consent, is attached hereto as Exhibit A.
2. With respect to Paragraph 3 of the request for judgment in Pureland's Complaint, namely a "judgment that Dr. Mandefro may not bring any claims on behalf of other

individuals not listed as parties in the Complaint, Dr. Mandefro notes that she has not threatened to bring such claims, and indeed has not asserted such claims in her Amended Answer and Counterclaims. Instead, each of Dr. Mandefro's Counterclaims concern injury to her, not to third parties. Accordingly, Dr. Mandefro has not offered judgment with respect to Paragraph 3 and requests that it be stricken from Pureland's request for judgment.

Dated: May 1, 2008

/s/ Michael Ridgway Jones  
Vaughn C. Williams  
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Attorneys for Defendant/Counterclaim-Plaintiff  
Mehret Mandefro

## **EXHIBIT A**

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**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

<b>PURELAND PICTURES, INC.,</b>  <b>Plaintiff/Counterclaim- Defendant,</b>  <b>v.</b>  <b>MEHRET MANDEFRO,</b>  <b>Defendant/Counterclaim- Plaintiff.</b>	<b>07 Civ. 10448 (LAP)</b>  <b>ECF Case</b> <b>[Electronically Filed]</b>  <b><u>DEFENDANT/ COUNTERCLAIM- PLAINTIFF'S OFFER OF JUDGMENT PURSUANT TO FEDERAL RULE OF CIVIL PROCEDURE 68 AND [PROPOSED] STIPULATED ORDER AND JUDGMENT ON CONSENT</u></b>
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Pursuant to Federal Rule of Civil Procedure 68, defendant/counterclaim-plaintiff Mehret Mandefro ("Dr. Mandefro") submits this Offer of Judgment and a proposed Stipulated Order and Judgment on Consent, attached hereto and filed simultaneously herewith. Dr. Mandefro offers judgment as follows:

1. First, Dr. Mandefro offers judgment declaring, as requested by Paragraph 1 of the Complaint's request for judgment, that "the production, distribution, and display of the film produced by Pureland Pictures Inc. ("Pureland") and previously entitled "Mehret" (the "Film") does not breach any agreement between Pureland and Dr. Mandefro."

2. Second, Dr. Mandefro offers judgment declaring, as requested by Paragraph 2 of the Complaint's request for judgment, that "Dr. Mandefro has not retained any rights to the photographic and audio recordings of Dr. Mandefro made by Pureland in connection with the Film (the "Likenesses") or to any use to which Pureland may apply the Likenesses."

3. Third, Dr. Mandefro offers judgment dismissing with prejudice the counterclaims filed in this action, each party to bear its own costs.

Dated: May 1, 2008



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Attorneys for Defendant/Counterclaim-  
Plaintiff Mehret Mandefro

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

<b>PURELAND PICTURES, INC.,</b>  <b>Plaintiff/Counterclaim- Defendant,</b>  <b>v.</b>  <b>MEHRET MANDEFRO,</b>  <b>Defendant/Counterclaim- Plaintiff.</b>	<b>07 Civ. 10448 (LAP)</b>  <b>ECF Case [Electronically Filed]</b>  <b><u>[PROPOSED] STIPULATED ORDER AND JUDGMENT ON CONSENT</u></b>
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IT IS HEREBY ORDERED, DECREED AND ADJUDGED that:

1. The production, distribution, and display of the film produced by Pureland Pictures Inc. ("Pureland") and previously entitled "Mehret" (the "Film") does not breach any agreement between Pureland Pictures, Inc. ("Pureland") and Dr. Mehret Mandefro ("Dr. Mandefro").

2. Dr. Mandefro has not retained any rights to the photographic and audio recordings of Dr. Mandefro made by Pureland in connection with the Film (the "Likenesses") or to any use to which Pureland may apply the Likenesses.

3. The counterclaims filed in this action by the defendant Dr. Mandefro are dismissed with prejudice, each party to bear its own costs.

Dated: May 1, 2008



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Attorneys for Defendant/Counterclaim-  
Plaintiff Mehret Mandefro

PAUL WEISS RIFKIND WHARTON &  
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BY: \_\_\_\_\_  
Darren W. Johnson  
1285 Sixth Avenue  
New York, New York 10019-6064  
(212) 373-3000

Attorneys for Plaintiff/Counterclaim-  
Defendant Pureland Pictures Inc.

SO ORDERED:

\_\_\_\_\_  
Honorable Loretta A Preska

**CERTIFICATE OF SERVICE**

I hereby certify that, on May 1, 2008, I served a copy of the foregoing  
DEFENDANT/COUNTERCLAIM-PLAINTIFF'S OFFER OF JUDGMENT PURSUANT TO  
FEDERAL RULE OF CIVIL PROCEDURE 68 AND [PROPOSED] STIPULATED ORDER  
ON CONSENT on the following Counsel for Plaintiff/Counterclaim-Defendant Pureland  
Pictures, Inc. by depositing the same in the U.S. Mail with sufficient postage attached thereto:

Darren W. Johnson, Esq.  
PAUL WEISS RIFKIND WHARTON & GARRISON LLP  
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New York, New York 10019-6064

  
Michael Ridgway Jones